

IN RE: PETITION FOR ZONING VARIANCE N/S Ruxton Road, 680' E of the c/l of Ellenham Avenue (1908 Ruxton Road) 9th Election District 4th Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-452-A

Richard C. Tilghman, Jr., et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 25 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Beverly Tilghman, appeared and testified on behalf of herself and her husband. There were no Protestants.

Testimony indicated that the subject property, known as 1908 Ruxton Road, consists of 1.16 acres more or less zoned D.R. 1, and is improved with a single family dwelling which has been the Petitioners' residence for the past 10 years. Mrs. Tilghman testified the subject dwelling was originally built in 1940 and that the existing bedrooms are extremely small. Petitioners like their home otherwise and are desirous of constructing the proposed one-story addition to provide more habitable space. Testimony indicated that due to the location of existing improvements on the property, the topography of the land and extensive landscaping thereon, the requested variance is necessary. Mrs. Tilghman testified that the granting of the variance would not be detrimental to the health, safety or general welfare of the surrounding community due to the landscaping of the property and nature of the variance requested. She further indicated that they have spoken to the adjoining property owners who have no objections to their plans.

ORDER RECEIVED FOR FILING
Date 5/3/90
By [Signature]

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31st day of May, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 25 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/3/90
By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-452-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.1.C.1.1. TO PERMIT A REAR YARD SETBACK OF 25 FT. IN LIEU OF THE REQUIRED 50 FT.

1. Existing dwelling is 36 ft. from the rear lot line. Petitioner does not want to eliminate both east windows of living room. Unless proposed addition can be set back six ft. from rear line of existing dwelling, this cannot be done.
2. Property slopes to south and east and has been terraced into three areas of different elevations. Proposed addition cannot be located on same terrace as existing dwelling without interference with several mature trees unless it is set back six ft. from rear line of existing dwelling.
3. Addition cannot be located to west of existing dwelling due to driveway and parking area and garage.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm that under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: RICHARD C. TILGHMAN, JR. (Type or Print Name)
Signature: [Signature]

Legal Owner(s): RICHARD C. TILGHMAN, JR. (Type or Print Name)
Signature: [Signature]

Address: 1908 RUXTON ROAD, BALTIMORE, MD 21204
City and State: BALTIMORE, MD 21204

Attorney for Petitioner: ANN M. NASTAROWICZ (Type or Print Name)
Address: 1908 RUXTON ROAD, BALTIMORE, MD 21204
City and State: BALTIMORE, MD 21204

ORDER RECEIVED FOR FILING
Date 5/3/90
By [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 4th day of April 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 24th day of May, 1990, at 2:30 o'clock P.M.

[Signature]
J. Robert Haines
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 25, 1990

TOWSON TIMES,
S. Zate Olson
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property located at 1908 Ruxton Road, 9th Election District, 4th Councilmanic District, Baltimore County, Maryland 21204, as follows:
Petitioner: Richard C. Tilghman, Jr., et ux
Hearing Date: Thursday, May 3, 1990 at 2:30 p.m.
Variance to permit a rear yard setback of 25 ft. in lieu of the required 50 ft.
In the event that this Petition is granted, a building permit may be issued within the sixty (60) day appeal period. The Zoning Commission will hold a public hearing on any appeal for a stay of the building permit for a period of 30 days. Such hearing shall be held during the appeal period for good cause shown. Such hearing shall be held in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JT 4200 April 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 26, 1990

THE JEFFERSONIAN,
[Signature]
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property located at 1908 Ruxton Road, 9th Election District, 4th Councilmanic District, Baltimore County, Maryland 21204, as follows:
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JT 4200 April 28

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Receipt
No. 1758

Date: 3/16/90

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: TILGHMAN

Case number: H9000319

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING 90-452-A
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Date of Posting: May 3, 1990

Posted for: Variance
Petitioner: Richard C. Tilghman, Jr. et ux
Location of property: N/S Ruxton Road, 680' E of c/l of Ellenham Avenue
Access: c. 1908 Ruxton Road
Location of sign: In front of 1908 Ruxton Road

Remarks: [Signature]
Date of return: May 11, 1990

Number of Signs: 1

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Receipt
No. 2590

Date: 5/23/90

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING	1	\$127.41
TOTAL:		\$127.41

LAST NAME OF OWNER: TILGHMAN

Case number: H9000847

Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner
Office of Planning & Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284
(301) 887-8353

J. Robert Haines
Zoning Commissioner

DATE: 5/9/90

Re: Petition for Zoning Variance
CASE NUMBER: 90-452-A
N/S Ruxton Road, 680' E of c/l of Ellenham Avenue
1908 Ruxton Road
9th Election District - 4th Councilmanic District
Petitioner(s): Richard C. Tilghman, Jr., et ux
HEARING: THURSDAY, MAY 24, 1990 at 2:30 p.m.

Dennis F. Rasmussen
County Executive

Dear Petitioners:

Please be advised that \$127.41 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 11, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-452-A
N/S Ruxton Road, 880' E of c/l of Ellenham Avenue
1908 Ruxton Road
9th Election District - 4th Councilmanic
Petitioner(s): Richard C. Tilghman, Jr., et ux
HEARING: THURSDAY, MAY 24, 1990 at 2:30 P.M.

Variances: To permit a rear yard setback of 25 ft. in lieu of the required 50 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Richard C. Tilghman, Jr., et ux

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 10, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Richard C. Tilghman, Jr.
1908 Ruxton Road
Baltimore, MD 21204

RE: Item No. 319, Case No. 90-452-A
Petitioner: Richard C. Tilghman, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Tilghman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
4th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard C. Tilghman, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: April 6, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Henry F. Renard, Item No. 326
Theresa Marie Durbon, Item No. 328
Diana Ely Epstein, Item No. 325
Donald H. Wilson, III, Item No. 323
Richard H. Kress, Item No. 320
Michael R. Spodak, Item No. 318
Richard C. Tilghman, Item No. 319
Durban Road Ltd. Part., Item No. 315
Fitch Avenue Ltd. Part., Item No. 314
Douglas E. Abrams, Item No. 308
Chestnut Ridge Country Club, Item No. 300

In reference to the Petitioners' requests, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVARI.ED/ZAC1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 31, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Richard C. Tilghman, Jr.
1908 Ruxton Road
Baltimore, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
N/S Ruxton Road, 880' E of the c/l of Ellenham Avenue
(1908 Ruxton Road)
9th Election District - 4th Councilmanic District
Richard C. Tilghman, Jr., et ux - Petitioners
Case No. 90-452-A

Dear Mr. & Mrs. Tilghman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjjs

cc: People's Counsel

File

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554



Dennis F. Rasmussen
County Executive

March 23, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 300, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSP/lvw

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

APRIL 4, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD C. TILGHMAN, JR.

Location: #1908 RUXTON ROAD

Item No.: 319 Zoning Agenda: APRIL 3, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *William J. Kelly* 4-4-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: April 4, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 3, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 300, 307, 308, 310, 311, 312, 313, 318, 319 and 320.

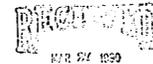
For Items 309, 314, 315 and 317, the previous County Review Group comments apply.

For Item 316, a County Review Group meeting may be required.

For Item 321, a County Review Group meeting may be required. Neither lot has in-fee frontage to a public road.

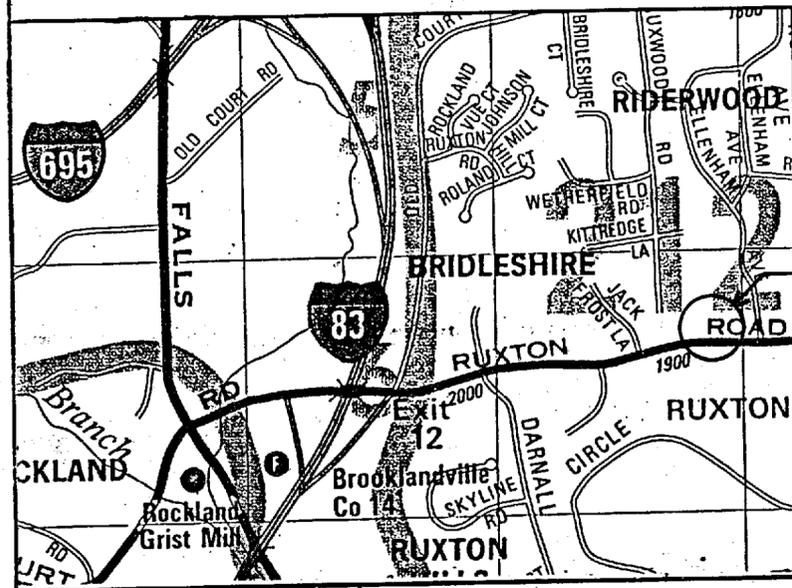
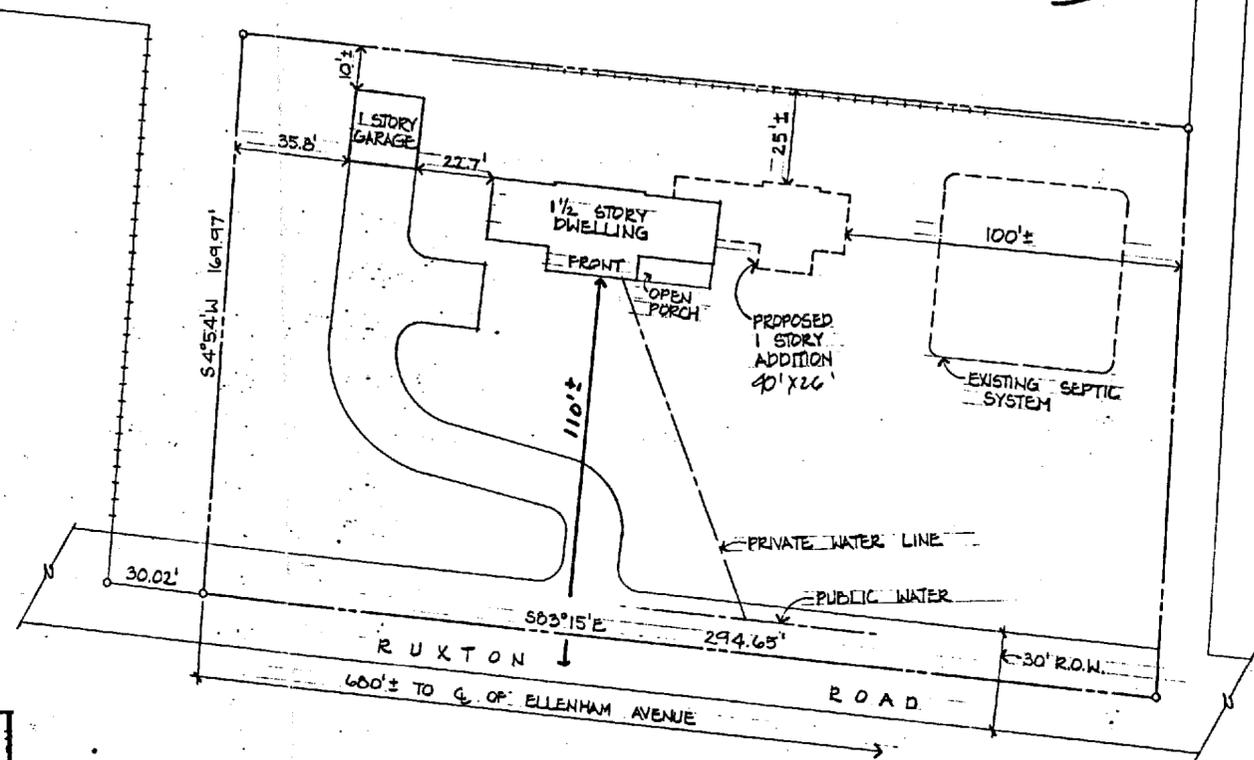
Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



MAR 24 1990
ZONING OFFICE

319



SUBJECT PROPERTY

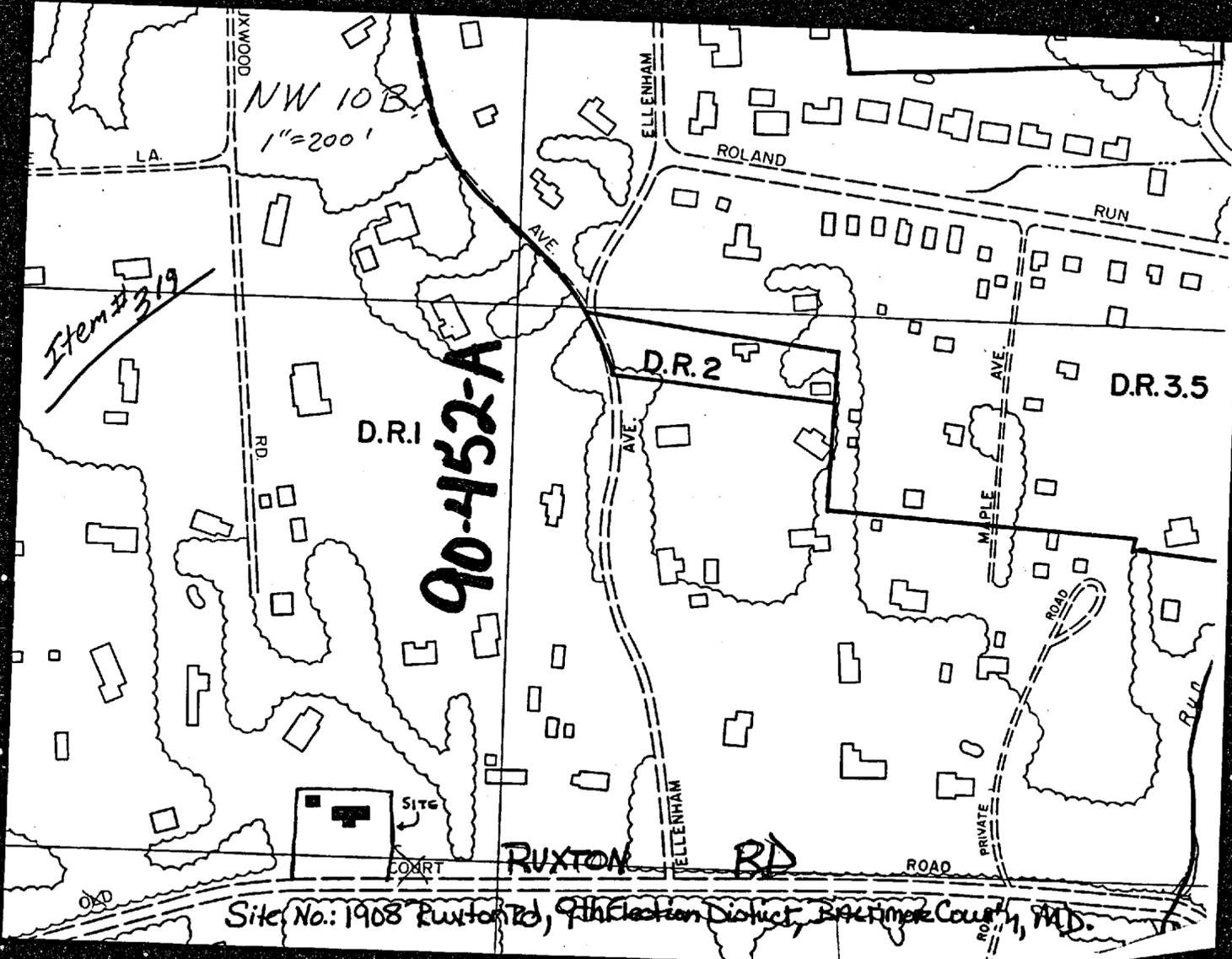
PLAN TO ACCOMPANY ZONING VARIANCE OR SPECIAL HEARING
 SCALE: 1" = 40' - 0"

**PETITIONER'S
 EXHIBIT**

OWNER: RICHARD C. TILGHMAN, JR. & BEVERLY W. TILGHMAN, WIFE
 1908 RUXTON ROAD
 RUXTON, MD 21204
 DEED REF: EHK, JR. NO. 6231, FOLIO 135
 ELECTION DISTRICT: #4
 ZONING CLASSIFICATION: D.R.1
 LOT AREA: 50,429± SF. / 1.16± ACRES

90-452-A

3/15/90



90-452-A